

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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*Proposed Counsel to the Debtor
and Debtor in Possession*

In Re:

ASSUNCAO BROS., INC.,

Debtor.

Chapter 11 (Subchapter V)

Case No. 22-16159-CMG

Judge: Hon. Christine M. Gravelle

Hearing Date: September 6, 2022

Hearing Time: 12:00 p.m.

**NOTICE OF DEBTOR'S MOTION FOR ENTRY OF AN ORDER AUTHORIZING
REJECTION OF CERTAIN EXECUTORY CONTRACTS AND UNEXPIRED LEASES
EFFECTIVE AS OF THE PETITION DATE**

PLEASE TAKE NOTICE that on September 6, 2022, at 12:00 p.m., or soon as counsel may be heard, Assuncao Bros., Inc. (the "Debtor"), the debtor and debtor-in-possession in the above-captioned chapter 11, subchapter v case, by and through its proposed counsel, Fox Rothschild LLP, shall move before the Honorable Christine M. Gravelle at the United States Bankruptcy Court for the District of New Jersey, Clarkson S. Fisher Courthouse, 402 East State Street, Trenton, New Jersey 08608, Courtroom #3, for entry of an order pursuant to 11 U.S.C. §§ 105 and 365 and Fed. R. Bankr. P. 6004 and 6006 authorizing the rejection of certain executory

contracts and unexpired leases effective as of the date of the Debtor's bankruptcy filing, and for such further relief that the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of its Motion, the Debtor shall rely upon the certification and memorandum of law submitted herewith pursuant to Rule 9013-1(a) of the Local Rules of the United States Bankruptcy Court for the District of New Jersey (the "Local Rules").

PLEASE TAKE FURTHER NOTICE THAT THIS MOTION SEEKS TO REJECT CERTAIN EXECUTORY CONTRACTS AND UNEXPIRED LEASES. RECIPIENTS OF THIS MOTION SHOULD REVIEW EXHIBIT A ATTACHED TO THE CERTIFICATION OF MARTIN ASSUNCAO SUBMITTED HEREWITH TO DETERMINE IF YOUR NAME OR CONTRACT/LEASE ARE AFFECTED BY THIS MOTION.

PLEASE TAKE FURTHER NOTICE that in accordance with Local Rule 9013-2, objections, if any, must be filed with the Clerk of the Bankruptcy Court by such date set by the Court in an Order Shortening Time Period for Notice, Setting Hearing and Limiting Notice, with copies filed simultaneously served upon the Debtor's undersigned proposed counsel at: Joseph J. DiPasquale, Esq. (jdipasquale@foxrothschild.com); and Michael R. Herz, Esq. (mherz@foxrothschild.com); 49 Market Street, Morristown, NJ 07960.

PLEASE TAKE FURTHER NOTICE that unless an objection is timely filed and served, this motion shall be deemed uncontested in accordance with Local Rule 9013-3 and the relief sought herein may be granted without a hearing.

Dated: August 16, 2022

Respectfully submitted,

FOX ROTHSCHILD LLP

/s/Joseph J. DiPasquale

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